

WHIP'S POLICY BRIEF

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HB 537 – Presidential Primary Representative Rivera

Introduction

The voters of Florida are less relevant in determining the candidate in the current presidential primary system. Despite the size and diversity of our state, Florida's role in the election process has been limited to deciding the outcome at the end of the process, after the party nominees have been effectively determined.

HB 537 makes Florida more significant in the process of selecting presidential candidates by moving up the date of Florida's presidential primary.

HB 537 Presidential Primary by Representative Rivera

Bottom Line

Florida is the largest and most diverse bellwether of national election results. However, nearly two dozen other states precede Florida on the primary calendar and preempt Florida's voice in the primary process. Under the current system, each party's nomination is basically a forgone conclusion by the time Florida's primary rolls around. HB 537 makes Florida more relevant in the process of selecting presidential candidates by moving up the date of Florida's presidential primary to more than a month earlier in the campaign season.

Background

Primary dates

The 2004 presidential campaign season demonstrated many of the deficiencies in the current nominating system. In 2004, twenty-five states, including Florida, held a presidential preference primary or caucus on or before March 9th.

Traditionally, the Iowa caucus and the New Hampshire primary are the first two tests of a presidential campaign. Because these states have smaller populations¹ and are geographically compact, they provide an opportunity for candidates – especially under-funded, lesser known ones – to interact more thoroughly with a smaller bloc of voters.

Table 1: Demographic Patterns

	Iowa	New Hampshire	Florida	United States
White	94.9%	96.1%	80.4%	80.2%
White, not Hispanic	91.5%	94.1%	62.1%	66.9%
Hispanic or Latino	3.7%	2.2%	19.5%	14.4%
Black	2.3%	1.0%	15.7%	12.8%
Below poverty line	9.1%	6.4%	13.0%	12.5%
Median household income	\$42,278	\$52,409	\$38,985	\$43,318

the nation. On the other hand, a large, diverse state like Florida provides a much better sampling of the nation.

While these two states are time-tested proving grounds for candidates, the issues that are most relevant to voters in these states do not necessarily reflect the nation as a whole. As illustrated in Table 1, the demographic makeup of these states does not adequately represent the diversity of

2004 Primary Dates

Twenty-five states held a primary on or before March 9th.

1/19

Iowa (caucus)

1/27

New Hampshire

2/03

Arizona
Delaware
Missouri
Oklahoma
South Carolina

2/07

Michigan (caucus)

2/10

Tennessee
Virginia

2/17

Wisconsin

2/24

Utah

3/02

California
Connecticut
Georgia
Maryland
Massachusetts
New York
Ohio
Rhode Island
Vermont

3/09

Florida
Louisiana
Mississippi
Texas

¹ The 2006 population estimate for Iowa is 2,982,085 and for New Hampshire is 1,314,895. By comparison, the 2006 population estimate for Florida is 18,089,888.

Election results

Immediately following Iowa and New Hampshire, a slew of nearly two dozen states crowd the primary calendar and vie for each candidate's attention. Despite the extra attention given to these early primary states, very few of them are representative of the United States as a whole – especially in terms of voting patterns.

Florida, however, possesses a diversity that is unmatched by other states and, thereby, acts as a microcosm of the nation. The issues that are most relevant to voters in Florida are characteristic of the concerns of voters across America. As illustrated in Table 2, only Iowa and Ohio² come closer than Florida to mirroring national election results. Consequently, a candidate who does well in Florida is much more likely to be a nationally viable candidate.

Table 2: 2004 General Election Results

State	Primary Date	George Bush	% of vote	John Kerry	% of vote	Ralph Nader	% of vote	Michael Badnarik	% of vote	Total
Iowa	1/19/2004	751,957	49.90	741,898	49.23	5,973	0.40	2,922	0.20	1,506,908
New Hampshire	1/27/2004	331,237	48.87	340,511	50.24	4,479	0.66	372	0.05	677,738
Arizona	2/03/2004	1,104,294	54.87	893,524	44.40	2,773	0.14	11,856	0.59	2,012,585
Delaware	2/03/2004	171,660	45.75	200,152	53.35	2,153	0.57	586	0.16	375,190
Missouri	2/03/2004	1,455,713	53.30	1,259,171	46.10	1,294	0.05	9,831	0.36	2,731,364
Oklahoma	2/03/2004	959,792	65.57	503,966	34.43	na	na	na	na	1,463,758
South Carolina	2/03/2004	937,974	57.98	661,699	40.90	5,520	0.34	5,317	0.33	1,617,730
Michigan	2/07/2004	2,313,746	47.81	2,479,183	51.23	24,035	0.50	10,552	0.22	4,839,252
Tennessee	2/10/2004	1,384,375	56.80	1,036,477	42.53	8,992	0.37	4,866	0.20	2,437,319
Virginia	2/10/2004	1,716,959	53.68	1,454,742	45.48	2,393	0.07	11,032	0.34	3,198,367
Wisconsin	2/17/2004	1,478,120	49.32	1,489,504	49.70	16,390	0.55	6,464	0.22	2,997,007
Utah	2/24/2004	663,742	71.54	241,199	26.00	11,305	1.22	3,375	0.36	927,844
California	3/02/2004	5,509,826	44.36	6,745,485	54.30	21,213	0.17	50,165	0.40	12,421,852
Connecticut	3/02/2004	693,826	43.95	857,488	54.31	12,969	0.82	3,367	0.21	1,578,769
Georgia	3/02/2004	1,914,254	57.97	1,366,149	41.37	2,231	0.07	18,387	0.56	3,301,875
Maryland	3/02/2004	1,024,703	42.93	1,334,493	55.91	11,854	0.50	6,094	0.26	2,386,678
Massachusetts	3/02/2004	1,071,109	36.78	1,803,800	61.94	4,806	0.17	15,022	0.52	2,912,388
New York	3/02/2004	2,962,567	40.08	4,314,280	58.37	99,873	1.35	11,607	0.16	7,391,036
Ohio	3/02/2004	2,859,768	50.81	2,741,167	48.71	na	na	14,676	0.26	5,627,908
Rhode Island	3/02/2004	169,046	38.67	259,760	59.42	4,651	1.06	907	0.21	437,134
Vermont	3/02/2004	121,180	38.80	184,067	58.94	4,494	1.44	1,102	0.35	312,309
Florida	3/09/2004	3,964,522	52.10	3,583,544	47.09	32,971	0.43	11,996	0.16	7,609,810
Louisiana	3/09/2004	1,102,169	56.72	820,299	42.22	7,032	0.36	2,781	0.14	1,943,106
Mississippi	3/09/2004	684,981	59.45	458,094	39.76	3,177	0.28	1,793	0.16	1,152,145
Texas	3/09/2004	4,526,917	61.09	2,832,704	38.22	9,159	0.12	38,787	0.52	7,410,765
United States	na	62,040,610	50.73	59,028,444	48.27	465,650	0.38	397,265	0.32	122,295,345

² Ohio voters have picked the winner of every presidential election since 1964. No Republican has ever won the presidency without Ohio, and only two Democrats have done so since 1900 (Franklin D. Roosevelt in 1944 and John F. Kennedy in 1960).

Current Florida law

Each major political party in Florida is required to hold an election on the second Tuesday in March of presidential election years to select one candidate for nomination for President of the United States. Under current law, Florida's primary will be on March 11, 2008.

Summary of the Bill

The bill moves up the date of the primary in Florida to make it no earlier than January 8th and no later than February 7th. The bill specifies that the date of the primary must be on the earlier of either:

- The first Tuesday in February, or
- The first Tuesday immediately following the New Hampshire primary.

However, the date cannot be earlier than the second Tuesday in January.

Under the bill, Florida's primary will be on January 29, 2008. If the Secretary of State for New Hampshire decides to hold their primary on an earlier date, Florida's primary will still occur no earlier than January 8, 2008.

The bill also makes conforming changes to other dates in the nomination process by moving these dates up two months.

Potential Effects: 2008 and Beyond

Based on the changes that will be brought about by HB 537, many different results can be expected.

Increased campaign activity

Politicians already rely heavily on Florida for raising campaign funds. With an earlier primary, these candidates will be more likely to return to Florida with increased campaign activity.

This, in turn, will compel these presidential candidates to become more familiar with issues that matter to Florida and offer goals for their administration to address these concerns.

Based on the diversity of Florida's voters and the wide range of issues that would be covered in a campaign here, success in Florida will also demonstrate a candidate's national viability to potential donors and voters in other states.

Greater influence over nominations

As a result of party rules and the desire to be relevant, as many as 22 states are considering or have selected February 5, 2008 for their primary – leading to the moniker "Super Duper Tuesday" or "Giga-Tuesday." In addition to these, 7 states are considering or have selected even earlier dates for their primary.

February 5, 2008 "Super Duper Tuesday"

Twenty-two states are considering or have selected February 5, 2008 for their primary.

- Alabama
- Arizona
- Arkansas
- California
- Colorado
- Delaware
- Georgia
- Illinois
- Kansas
- Michigan
- Missouri
- Montana
- Nevada (GOP)
- New Jersey
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Tennessee
- Texas
- Utah

In this context, two possible scenarios appear likely. If a clear frontrunner emerges on February 5th, all of the subsequent primaries will become irrelevant in the candidate selection process. However, if more than one candidate is still viable after February 5th, then the later primaries may prove crucial for determining the eventual nominee.

Regardless, an earlier primary date as specified in HB 537 will ensure that voters in Florida will have greater direct influence over party nominations. Candidates will view Florida as critical to establishing their legitimacy and creating momentum for the following Tuesday's 22-state primary bonanza.

Loss of delegates

The stated purpose of a presidential nominating convention, or national convention, is to formally select the party's nominee for president and adopt a party platform. Each state is allotted a set number of delegates based on factors such as state population, proportion of elected state and Congressional officials of that party, and voting patterns from the previous election. These delegates are obligated to vote at the convention based on the performance of the candidates in their state's primary.

Under Republican Party rules, if any state holds its primary before February 5, 2008, that state may lose up to 90% of its delegates to the national convention. This would reduce Florida's delegation from 114 to 12. However, several other states would also be in violation of this rule and arguably subject to the same penalty.

Under Democratic Party rules, only Iowa, Nevada, New Hampshire, and South Carolina may hold a primary or caucus before February 5, 2008. Any state violating this rule would be subject to a reduction in delegates similar to the Republican Party's.

In theory, if a single candidate has not obtained a majority of the delegates after the conclusion of the state primaries, then a brokered convention would result. In this situation, marginal candidates would likely compel their delegates to support another candidate. If Florida were to have a reduction in the number of delegates, the role of the state could be reduced in such a process.

However, most candidates other than each party's frontrunner have dropped out by the time of the national conventions. As a sign of party unity, unsuccessful candidates will typically release their delegates to support the presumed nominee and allow for a ceremonial unanimous vote. As a result, the national convention has become an exercise intended to rally support for the presumptive nominee rather than a process for sifting through and selecting from among a host of viable nominees.

HB 537 gives priority to selecting a candidate rather than sending more delegates to a convention. By having an early and strong voice in the primary season, Floridians will be properly represented at the national convention through their early selection of their parties' eventual nominees.